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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/918,653

07/31/2001

Franz Bauer

A34411

2669

21003

7590

09/20/2002

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EXAMINER

KWOK, HELEN C

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/918,653

Applicant(s)

Bauer et al.

Examiner

H. Kwok

Art Unit

2856



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 12/22/2000. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

### ***Specification***

2. The disclosure is objected to because of the following informalities. Appropriate correction is required.

The specification lacks the heading "Brief Description of the Drawings" in the disclosure. Please insert this phrase before the description of the figures.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 1, line 2, it appears that a comma should be inserted after the word “head” and after the word “disk”. In lines 4-5, the phrase “the additional DC magnetic field” lacks antecedent basis. It appears the phrase should be changed to -- an additional DC magnetic field”.

In claim 6, line 2, the phrase “the control signal” lacks antecedent basis. In line 3, the phrase “the operating coil” lacks antecedent basis.

In claim 7, line 2, the phrase “the accelerator sensor” lacks antecedent basis. In line 2, the word “wherebby” should be changed to -- whereby --. In lines 2-3, the phrase “the control signal” lacks antecedent basis.

In claim 8, line 1, the phrase “the control signal” lacks antecedent basis.

In claim 9, line 1, the phrase “the control signal” lacks antecedent basis. In line 3, the phrase “the field (Bmess) in the eddy” is not clear on its meaning. What “field” and what “eddy”?

In claim 11, line 2, the phrase “the measured value” is vague. What “measured value” is being referred here since no value has been measured?

In claim 14, line 4, the phrase “the two signals” lacks antecedent basis and is vague. What “signals” is being referred here?

In claim 15, line 4, the phrase “the accelerator” lacks antecedent basis. In line 5, the phrase “the two signals” lacks antecedent basis and is vague. What “signals” is being referred here?

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In claim 16, line 2, the phrase "the measured value" is vague. What "measured value" is being referred here since no value has been measured? In line 3, the phrase "the compensation direct current" lacks antecedent basis and is vague.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by DE 10032143 (Schwabe).

Schwabe discloses a Ferraris sensor operating method comprising, as illustrated in Figures 1-2, a measuring head 1 having a moving Ferraris disk 4, magnetic field 5, rotational field 6 detected by detector coil 3. (See, Abstract).

7. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by WO 01/23897 (Schwabe).

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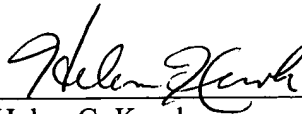
Schwabe discloses an electrically conductive measuring structure of an acceleration sensor which functions according to the Ferraris principle comprising, as illustrated in Figures 1-3, a measuring head having a moving Ferraris disk 1, magnetic field, rotational field 6 detected by detector coil 4. (See, Abstract).

8. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0661543 (Boehringer et al.).

Boehringer et al. discloses a sensor system for an accelerometer comprising, as illustrated in Figures 1-6, an inductive measuring head having a Ferraris disk 18, magnetic field, rotational field detected by detector coil 20. Furthermore, a control loop is formed to produce a control signal which is generated by an integrator. (As observed in the figures and Abstract).

### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen Kwok whose telephone number is (703) 308-8149.

  
Helen C. Kwok  
Art Unit 2856

hck  
September 12, 2002